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Attorneys for Defendant HSBC Bank USA, NA

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

JUSTIN JAMES AND NICOLE JAMES;

Plaintiffs

v.

FREMONT REORGANIZING COMPANY,  
FKA FREMONT INVESTMENT & LOAN  
COMPANY; BRIDGE CAPITAL  
CORPORATION; HSBC BANK USA, NA;

Defendants.

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Case No. 3:08-CV-397-BR

DECLARATION OF JOHN THOMAS  
IN SUPPORT OF DEFENDANT HSBC  
BANK USA, NA's FIRST UNOPPOSED  
MOTION TO EXTEND DISPOSITIVE  
MOTION & OTHER CASE  
MANAGEMENT DEADLINES

I, John Thomas, declare:

1. I am the attorney of record for Defendant HSBC Bank USA, NA ("HSBC").
2. HSBC's witness is unavailable at this time to execute an affidavit necessary for HSBC's motion for summary due to his work travel and vacation schedule. Additionally, David Aman, counsel for co-defendant Fremont Reorganizing Company, has advised that his witness is likewise unavailable at this time to execute a necessary affidavit for Fremont's motion for summary judgment due to vacation schedule.
3. Defendants' counsel and Plaintiffs' counsel are also in the process of conferring to narrow the issues for summary judgment, but need additional time.

4. The parties are also contemporaneously discussing settlement, which may avoid the need for further work on dispositive motions, but need additional time.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 2nd day of April, 2010.

**ROUTH CRABTREE OLSEN, P.C.**

By /s/ John M. Thomas  
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